

# Exhibit F – Declaration of Michael Ayo

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**ELIZABETH BECKLEY,**

**Plaintiff,**

**v.**

**CITY OF ATLANTA,**

**Defendant.**

**Case No. 1:16-cv-01435-MHC**

## DECLARATION OF MICHAEL AYO

**Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:**

1. I am currently employed by the City of Atlanta (the "City") as a Bridge Engineer with the Department of Public Works ("DPW"). I have more than twenty (20) years of experience as a civil engineer, and I have been employed by the City since 2015.

2. I am the designee of the DPW Commissioner pursuant to 28 C.F.R. § 35.150(a)(3). In that capacity, I have assessed whether Americans with Disabilities Act (“ADA”) compliant sidewalk ramps can be installed at the

intersection of Centennial Olympic Park Drive and Martin Luther King, Jr. Drive in Atlanta, Georgia.

3. Centennial Olympic Park Drive and Martin Luther King, Jr. Drive converge at a bridge, which is where the intersection at issue is located.

4. The roadway surface of the bridge at Centennial Olympic Park Drive and Martin Luther King, Jr. Drive is concrete, not asphalt. The City does not resurface concrete roadways because the concrete surface is very resilient and does not wear out as often as asphalt roadways.

5. The bridge located at Martin Luther King, Jr. Drive was constructed in 1961. (See Exhibit F-1 attached hereto). I have concluded that the installation of ADA sidewalk ramps would require a major redesign of the intersection to bring it into compliance with ADA requirements.

6. From an engineering standpoint, the installation of ADA compliant sidewalk ramps at the intersection is structurally challenging because the sidewalks are cantilevered, which means that they are not fully supported.

7. Cantilevers must be firmly anchored on one side in order to hold up the necessary weight on the free standing side. A common example of a small cantilever is a diving board because one side is firmly attached to the ground so that the other side can hold a person's weight suspended over the water.

8. To support the bridge and the sidewalks along Martin Luther King, Jr. Drive, rebars (i.e., steel rods) are embedded inside the concrete. Because the rebars are located below the bridge deck, it is a structural challenge to cut through the rebars.

9. Once the rebars are cut, the cantilevered sections of the bridge, which are supported by the rebars, are in danger of collapsing. Even if one section of the bridge collapsed, the bridge would no longer be safe for pedestrian and vehicle traffic.

10. To ensure ADA compliant sidewalk ramps are safely installed at the intersection, I collaborated with the local engineering firm of Burns McDonnell to redesign the intersection at issue. (See Exhibit F-2 attached hereto).

11. Given the unique safety risks posed by cutting through the existing bridge's rebars to install ADA compliant ramps, the ramps will be installed at the time the bridge at Martin Luther King, Jr. Drive is replaced.

12. Generally, it takes approximately two years for the completion of a bridge from the design phase to actual construction.

13. Although construction completion dates cannot be guaranteed, the bridge at Martin Luther King, Jr. Drive is expected to be replaced by 2018.

14. For the foregoing reasons, it is my professional opinion that the installation of ADA compliant sidewalks at the intersection of Centennial Olympic Park Drive and Martin Luther King, Jr. Drive as it currently exists would fundamentally alter the City's services, programs, or activities and/or would impose undue administrative and financial burdens on the City.

I declare under penalty of perjury that the foregoing is true and correct.

Signature:



Michael Ayo

Executed on the 26<sup>th</sup> day of April, 2017.

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# Exhibit F-1

# BRIDGE INVENTORY DATA LISTING GEORGIA DEPARTMENT OF TRANSPORTATION

Structure ID: 121-0391-0

## Location & Geography

Folios Area 7

SUFF. RATING

6-1.88

Location & Geography		Signs & Attachments	
• Structure I.D. No:	121-0391-0	• 104 Highway System:	0
• 200 Bridge Information	07	• 26 Functional Classification:	16
• 6A Feature Id:	NS RR-CS 3435 MANGUM	• 204 Federal Route Type:	N No.: 09134
• 6B Critical Bridge:	0	• 105 Federal Lands Highway:	0
• 7A Route Number Carried:	CS00904	• 110 Truck Route:	0
• 7B Facility Carried:	MLK JR DRIVE	• 206 School Bus Route:	1
• 9 Location:	IN ATLANTA	• 217 Benchmark Elevation:	0000.00
• 2 DOT District:	7	• 218 Datum:	0
• 207 Year Photo:	2011	• 19 Bypass Length:	01
• 91 Inspection Frequency:	24 Date: 02/15/2011	• 20 Toll:	3
• 92A Fract Crit Insp Freq:	12 Date: 02/15/2011	• 21 Maintenance:	04
• 92B Underwater Insp Freq:	00 Date: 02/01/1901	• 22 Ower:	04
• 92C Other Spec. Insp Freq:	00 Date: 02/01/1901	• 31 Design Load:	5
• 4 Place Code:	04000	• 37 Historical Significance:	5
• 5 Inventory Route (O/U):	1	• 205 Congressional District:	05
• Type:	5	• 27 Year Constructed:	1961
• Designation:	1	• 106 Year Reconstructed:	0000
• Number:	09134	• 33 Bridge Median:	0
• Direction:	0	• 34 Skew:	99
• 16 Latitude: 33-45.2735	MMS Prefix:	• 35 Structure Flared:	0
• 17 Longitude: 84-23.8183	MMS Suffix:	• 38 Navigation Control:	N
• 98 Border Bridge:	000 %Shared: 00	• 213 Special Steel Design:	0
• 99 ID Number:	000000000000000000	• 267 Type of Paint:	5
• 100 STRAHNET:	0	• 42 Type of Service on:	5
• 12 Base Highway Network:	1	• Under:	4
• 13A LRS Inventory Route:	121379003	• 214 Movable Bridge:	0
• 13B Sub Inventory Route:	0	• 203 Type Bridge:	Z-N-N-O
• 101 Parallel Structure:	N	• 259 Pile Encasement:	3
• 102 Direction of Traffic:	2	• 43 Structure Type Main:	4 02
• 264 Road Inventory Mile Post:	001.29	• 45 No. Spans Main:	025
• 208 Inspection Area:	07 Initials: JPD	• 44 Structure Type Appr:	1 04
• Engineer's Initial:	sgm	• 46 No. Spans Appr:	0001
• Location I.D. No.:	121-09134M-002.92E	• 226 Bridge Curve Horiz:	1 Vert: 1
		• 111 Pier Protection:	0
		• 107 Deck Structure Type:	1
		• 108 Wearing Surface Type:	1
		• Membrane:	0
		• Protection:	8
		• 248 County Continuity No.:	00

Report Date: 1/17/2012

SLA-1

# BRIDGE INVENTORY DATA LISTING GEORGIA DEPARTMENT OF TRANSPORTATION

Structure ID: 121-0391-0

Fulton Area 7

SUFF. RATING

64.88

## Programming Data

201 Project No.: UNKNOWN  
 202 Plans Available: 0  
 249 Prop. Proj. No. 0000000000000000  
 250 Approval Status: 0000  
 251 P.I. No.: 0000000  
 252 Contract Date: 02/01/1901  
 260 Seismic No.: 00000  
 75 Type Work: 00 0  
 94 Bridge Imp. Cost: \$ 0  
 95 Roadway Imp. Cost: \$ 0  
 96 Total Imp Cost: \$ 0  
 76 Imp. Length: 000000  
 97 Imp. Year: 0000  
 114 Future ADT: 014235 Year: 2027

## Measurements

• 29 ADT: 009490 Year: 2007  
 109 % Trucks: 0  
 • 28 Lanes On: 05 Under: 02  
 210 No. Tracks On: 00 Under: 07  
 • 48 Max. Span Length: 0173  
 • 49 Structure Length: 2,195  
 51 Br. Rwdy. Width: 56.30  
 52 Deck Width: 74.30  
 • 47 Tot. Horz. Cl: 56.30  
 50 Curb/Sidewlk Width: 8.00/8.00  
 32 Approach Rdwy Width: 072  
 • 229 Shoulder Width:  
 Rear Lt: 8.00 Type: 1 Rt: 8.00  
 Fwd Lt: 8.00 Type: 1 Rt: 8.00  
 Pavement Width:  
 Rear: 56.00 Type: 2  
 Fwd: 56.00 Type: 2  
 Intersection Rear: 1 Fwd: 1  
 36 Safety Features Br. Rail: 2  
 Transition:  
 App. G. Rail: 0  
 App. Rail End: 0  
 53 Minimum Cl. Over:  
 Under: H  
 228 Min. Vertical Cl  
 Act. Odsm Dir: 99' 99"  
 Oppo. Dir: 99' 99"  
 Posted Odsm Dir: 00' 00"  
 Oppo. Dir: 00' 00"  
 55 Lateral Undercl. Rt: H 12.00  
 56 Lateral Undercl. Lt: 0.00  
 • 10 Max Min Vert Cl: 99' 99" Dir: 0  
 39 Nav Vert Cl: 000 Horz: 0000  
 116 Nav Vert Cl Closed: 000  
 245 Deck Thickness Main: 7.00  
 Deck Thick Approach: 7.00  
 246 Overlay Thickness: 0.00  
 212 Year Last Painted: Sup: 1996 Sub: 1996

## Ratings

65 Inventory Rating Method: 2  
 63 Inventory Rating Method: 2  
 66 Inventory Type: 2 Rating: 36  
 64 Operating Type: 2 Rating: 61  
 231 Calculated Loads

H-Modified: 20 0  
 HS-Modified: 25 0  
 Type 3: 28 0  
 Type 3s2: 40 0  
 Timber: 36 0  
 Piggyback: 00 0

261 H Inventory Rating: 20  
 262 H Operating Rating: 32  
 67 Structural Evaluation: 5  
 58 Deck Condition: 5  
 59 Superstructure Condition: 6  
 227 Collision Damage: 0  
 60A Substructure Condition: 5  
 60B Scour Condition: N  
 60C Underwater Condition: N  
 71 Waterway Adequacy: N  
 61 Channel Protection Cond: N  
 68 Deck Geometry: 2  
 69 UnderClr. Horz/Vert: 7  
 72 Appr. Alignment: 8  
 62 Culvert: N

## Hydraulic Data

215 Waterway Data  
 Highwater Elev.: 0000.0 Year: 1900  
 Avg. Streambed Elev.: 0000.0 Freq.: 00  
 Drainage Area: 00000  
 Area Of Opening: 000000  
 113 Scour Critical: N  
 216 Water Depth: 00.0 Br. Height: 00.0  
 222 Slope Protection: 0  
 221 Spur Dikes Rear: 0 Fwd: 0  
 219 Fender System: 0  
 220 Dolphin: 0  
 223 Culvert Cover: 000  
 Type: 0  
 No. Baffles: 0  
 Width: 0.00 Height: 0.00  
 Length: 0 Apron: 0  
 • 265 U/W Insp. Area: 0 Diver: ZZZ  
 • Location I.D. No.: 121-09134M-002.92E

## Posting Data

70 Bridge Posting Required: 3  
 41 Struct Open, Posted, Cl: P  
 • 103 Temporary Structure: 0  
 232 Posted Loads H-Modified: 13  
 HS-Modified: 00  
 Type 3: 28  
 Type3s2: 36  
 Timber: 00  
 Piggyback: 00  
 253 Notification Date 02/01/1901  
 253 Fed Notify Date: 02/01/1901

Report Date: 1/17/2012

SLA-2



## Exhibit F-2





